

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

EMILIO HERNANDEZ SILVA, #55970                   §  
VS.   §                   CIVIL ACTION NO.6:16cv230  
SHERIFF SMITH, ET AL                               §

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was assigned to United States Magistrate Judge K. Nicole Mitchell, who subsequently issued a Report and Recommendation that Plaintiff's action be dismissed without prejudice for want of prosecution and failure to obey an order of the Court. A copy of the Report and Recommendation was sent to Plaintiff. This correspondence was returned to the clerk's office marked "undeliverable." *See* Docket Entry #20. The envelope stated that the post office was "unable to forward" the mail. *See id.*

No objections thereto having been filed by either party, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. Accordingly, **IT IS THEREFORE**

**ORDERED** that the above-entitled and numbered cause of action is **DISMISSED WITHOUT PREJUDICE**. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions by either party not previously ruled on are hereby **DENIED**.

**So Ordered and Signed**  
Oct 8, 2016

  
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Ron Clark, United States District Judge